

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-24126-CIV-WILLIAMS

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA, INC.,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

**JOINT MOTION FOR STAY OF BRIEFING SCHEDULE ON ACCOUNT OF LAPSE IN
FUNDING AND PAUSE IN FOIA PRODUCTION**

Plaintiff, American Civil Liberties Union of Florida, Inc., and Defendants, United States Department of Homeland Security, through its component, Defendant Immigration and Customs Enforcement (ICE), jointly move for a stay of the briefing schedule in place on account of the lapse in appropriations that fund the government and the resulting pause in the production of records responsive to Plaintiff's FOIA request. In support of this Motion, the parties state the following:

1. Plaintiff filed this action seeking relief under the Freedom of Information Act, 552 U.S.C. § 552 for ICE's alleged failure to respond as required by FOIA to three requests for information related to two individuals' detention in ICE custody at the Baker County Detention Center in Macclenny, Florida.

2. Since the filing of Plaintiff's Complaint (ECF NO. 1), ICE has issued its final response to two of the three FOIA requests at issue.
3. The agency was in the process of processing records responsive to the final pending request when appropriation of funds lapsed on October 1, 2025. Consequently, processing of the responsive material is paused.
4. Lawsuits under the Freedom of Information Act are generally resolved through motions for summary judgment, thus obviating the need for trial. *See Miscavige v. I.R.S.*, 2 F.3d 366, 369 (11th Cir.1993)(“FOIA cases should be handled on motions for summary judgment, once the documents in issue are properly identified”). The parties previously proposed, and the Court entered, the following schedule for briefing of summary judgment motions:

Motions for Summary Judgment Due: December 3, 2025.

Responses to Motion for Summary Judgment Due: January 8, 2025

Replies Due: January 22, 2025.

See PAPERLESS ORDER, ECF No. 14, entered May 27, 2025.

5. Given the pause in production, it is unlikely that production of the remaining material will be completed in time for the parties to adhere to the briefing schedule in place.
6. Accordingly, the parties respectfully request a stay of the briefing schedule established in ECF No.14, and its requirement for periodic status reports, for the duration of the lapse in appropriations. The parties request the entry of a new briefing schedule upon the resumption of appropriations that extends the dates provided in the current briefing schedule by a length of time equal to the duration of the shutdown.

WHEREFORE, the parties jointly move for a stay of the briefing schedule in place (ECF No. 14). A proposed order granting this motion is attached and will be emailed to chambers.

Dated: November 4, 2025
Miami, Florida

Respectfully submitted,

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_____ /

ORDER STAYING BRIEFING SCHEDULE

This matter is before the Court upon the parties' Joint Motion to Stay the Briefing Schedule currently in place (ECF No. 14). The Court has considered the Motion and is duly advised in the premises. It is hereby

ORDERED that the Joint Motion is GRANTED. The briefing schedule established in the Court's Paperless Order at ECF No. 14 is hereby STAYED. The Court will enter a new briefing schedule following the resumption of appropriations, with new deadlines accounting for the duration of the lapse in appropriations..

DONE and ORDERED in Chambers, Miami, Florida this _____ day of
_____, 2025.

KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE